

*United States Attorney  
Southern District of New York*

April 5, 2023

**BY ECF**

Hon. Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: *United States v. Guzman*, 21 Cr. 723 (PAE)**

Dear Judge Engelmayer:

The Government writes, with the consent of defense counsel, to request an adjournment *sine die* of the status conference in this matter, which is currently scheduled for April 6, 2023 at 2:00 p.m.

As the Court is aware, as of at least on or about August 31, 2022, the defendant absconded, and subsequently failed to appear for a status conference before this Court that was scheduled for October 3, 2022. *See* Oct. 3, 2022 Pretrial Conference Tr. 2-4. Since the defendant absconded, the Government has made efforts to locate the defendant, and it will continue to do so. The Government will, of course, promptly notify the Court once the defendant is located.<sup>1</sup>

Based on the foregoing, the Government respectfully requests that the April 6, 2023 conference be adjourned *sine die*.

**GRANTED.** The Court directs the Government, every three months beginning July 6, 2023, to notify the Court by brief letter as to the status of this matter and of efforts to locate the defendant. The Clerk of Court is requested to terminate the motion at Dkt. No. 14.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by: \_\_\_\_\_ /s/

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4/6/2023  
Paul A. Engelmayer  
PAUL A. ENGELMAYER  
United States District Judge

<sup>1</sup> Additionally, time during which the defendant is a fugitive is automatically tolled pursuant to Title 18, United States Code, Section 3161(h)(3)(A), which states that “[a]ny period of delay resulting from the absence or unavailability of the defendant” “shall be excluded in computing the time within which an information or an indictment must be filed, or in computing the time within which the trial of any such offense must commence.” *See also United States v. Anson*, 304 F. App’x 1, 4 (2d Cir. 2008) (summary order) (finding that Anson’s “flight from the jurisdiction falls squarely within [subsections (h)(3)(A) and (h)(1)(H)].”